

DEPARTMENT OF SOCIAL SERVICES  
744 P Street Sacramento, CA 95814



March 23, 1998

ALL-COUNTY LETTER NO. 98-21

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY FOOD STAMP COORDINATORS

Reason for this Transmittal

- ☐ State Law Change
- ☒ Federal Law Change
- ☐ Court Order or Settlement Agreement
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: ABAWD WORK REQUIREMENT AND FOOD STAMP SANCTION POLICY GUIDELINES

The purpose of this letter is to transmit responses to frequently asked questions raised by counties as they administer regulations governing the Able-Bodied Adult Without Dependents (ABAWD) work requirement and the application of food stamp sanctions to persons who fail to comply with food stamp work requirements or voluntarily quit employment. To remind counties of changes made to food stamp and voluntary quit sanction regulations in August of 1997, this letter also transmits a summary of those amendments. In addition, this letter summarizes and transmits copies of modifications to ABAWD regulations which took effect November 6, 1997. Finally, this letter transmits revised food stamp notices of action (NOAs) and food stamp denial messages for use in denying benefits to ABAWDs who apply for food stamps prior to regaining eligibility.

**Sanction Regulations**

- o An individual who quits employment without good cause within 60 days of the date s/he applies for food stamps shall be denied eligibility for a period of 90 days starting from the date of quit. Applicants may reestablish eligibility at any time by becoming exempt or securing employment that is comparable in salary or hours to the job that was quit. An applicant denied eligibility for this reason shall not be considered to have committed an instance of noncompliance for purposes of determining the minimum length of any food stamp sanctions subsequently imposed. For those cases in which a quit occurs prior to certification, but is not discovered until after certification, the individual shall be treated as a food stamp recipient and the sanction shall last a minimum of one, three, or six months.
- o If a registrant qualifies for a work registration exemption, while under a minimum one, three or six month food stamp sanction, the sanction shall end and the registrant may reapply and be approved for food stamps if otherwise eligible. However, food stamp sanctions will not end when an individual qualifies for either of the exemptions at MPP Section 63-407.21(c) or (e). These provisions apply to persons sanctioned for noncompliance with food stamp work requirements, including failure to participate in the Food Stamp Employment and Training (FSET) program, reducing hours worked to less than 30 per week, or for voluntarily quitting employment. Notification requirements have also been amended to ensure that those who receive food stamp sanctions are informed of this provision.

**ABAWD Regulations**

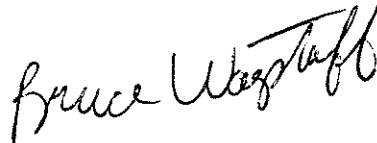
- After the 36-month period identified in MPP Section 63-410.1 begins, any month in which food stamps are received for only part of the month shall count against the three-month limit if the ABAWD work requirement is not satisfied for that month;
- Hours worked in employment that is defined as unsuitable in light of the minimum wage criteria listed at MPP Section 63-407.711 and .712 shall not count toward the 20-hour minimum established for those seeking to satisfy the ABAWD work requirement through employment;
- Hours worked for in-kind income shall count toward the 20 hour weekly minimum if the food stamp recipient provides documentation verifying the number of hours worked and that the in-kind income being reported was an actual benefit received from the employer;
- A program of employment and training approved by a state agency and identified in MPP Section 63-410.213(c) now includes refugee employability services identified in 45 CFR 400.154;
- Any adult living in a household that contains a dependent child is exempt from the ABAWD work requirement; and
- A county shall issue food stamps when an individual identified in MPP Section 63-410.521 begins satisfying the ABAWD work requirement. If the individual remains eligible, benefits shall be issued until the county learns that the ABAWD requirement is no longer being met.

Enclosure I contains frequently asked questions and responses involving the ABAWD work requirement and food stamp sanction regulations. It is important to note that the responses contained in this letter are subject to change if additional guidance or policy is issued by the Food and Nutrition Service (FNS). Enclosure II contains notices for use in applying food stamp sanctions and in administering regulations governing the ABAWD work requirement.

Counties should call the Forms Management Bureau at (916) 657-1907 or CALNET at 437-1907 for camera-ready copies of any form, NA form, NOA message or suggested informing language in any language. However, counties that have provided Language Services Bureau with a county contact and the specific languages (Spanish, Chinese, Cambodian, Vietnamese and Russian) will automatically be sent those languages as soon as the document (form/NA form/NOA message/informing notice) is translated.

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If you have any questions regarding this letter, please contact Robert Nevins at (916) 654-1408.

A handwritten signature in cursive script that reads "Bruce Wagstaff". The signature is written in dark ink and is positioned above the printed name.

BRUCE WAGSTAFF  
Deputy Director  
Welfare To Work Division

Enclosures



QUESTIONS AND ANSWERS REGARDING THE ABAWD WORK REQUIREMENT,  
AND WORK REGISTRATION SANCTIONS

ABAWD WORK REQUIREMENT

GENERAL

1. Question

What is the definition of ABAWD?

Answer

An ABAWD is a food stamp recipient who is an Able-Bodied Adult Without Dependents and who has reached age 18, but is under 50 years of age. ABAWDs are subject to the work requirement defined at MPP Section 63-410.

2. Question

The notice which was initially sent to inform food stamp recipients of the ABAWD work requirement (Temp 2133) stated, "Whether you will still get Food Stamps will be decided at your recertification determination." Does this give counties a hold harmless period that lasts up to each recipient's recertification?

Answer

No. The hold harmless period for the ABAWD work requirement, February 22, 1997 through June 22, 1997, was defined in ACL 97-08, dated February 19, 1997. Please refer to Enclosure II, page four, question three of the ACL. MPP Section 63-410.44 provides that determinations of ineligibility should be made whenever the CWD learns that a nonexempt recipient has failed to meet the ABAWD requirement for three months within the 36-month period. Thus, if the CWD learns that an individual has not met the ABAWD requirement for three or more months, but fails to act on this information, food stamps inappropriately received would be considered an agency error.

3. Question

An individual receives food stamps for two months and is then discontinued for a reason other than failure to meet the ABAWD work requirement. Three months later s/he reapplies and begins getting food stamps in the middle of the month. Does this month count against the three-month limit identified in MPP Section 63-410 if the individual

does not satisfy the ABAWD requirement for the remainder of the month?

Answer

Yes. With the implementation of final ABAWD regulations which took effect November 6, 1997, once the 36-month period begins, any month in which food stamps are received for all or part of the month shall count against the three month limit identified in MPP Section 63-410 if the ABAWD work requirement is not satisfied for that month.

4. Question

An individual fails to meet the ABAWD work requirement for three months and his benefits are discontinued on April 30. Eventually, his April food stamps are returned and cancelled because they are beyond the period of validity. The client reapplies in June of 1997. Is April still considered a month in which the ABAWD requirement was not satisfied? Or, because the client's food stamps were returned and cancelled (never picked up) is April disregarded when measuring ABAWD compliance and assessing the client's eligibility?

Answer

Months in which benefits are not transacted shall not be counted as months in which the ABAWD requirement has not been met. Therefore, the month of April should be disregarded, the notice discontinuing benefits effective April 30 should be rescinded and the individual should be approved for food stamps if otherwise eligible.

5. Question

Is an individual required to satisfy the ABAWD work requirement during a month in which the household receives a zero grant? Are zero benefit months included when measuring compliance with the ABAWD work requirement?

Answer

No. For any month in which a household does not receive food stamp benefits, persons residing in that household are not required to meet the ABAWD work requirement. Thus, zero benefit months are not counted when determining whether the ABAWD requirement has been satisfied.

SECTION 63-410.1

36-MONTH PERIOD DEFINED; TRACKING ABAWD COMPLIANCE

6. Question

On November 22, 1996, an individual is identified as an ABAWD. The case is discontinued November 30, 1996 due to failure to submit a CA 7. The client reapplies on December 5, 1996 and is approved for food stamps effective that date. December would not be considered the first month of the 36-month period since benefits are only received for part of the month. Every month since then, the client has been discontinued and reapplies with less than a 30 day break in aid. Each time because benefits are prorated, the 36-month period cannot begin. Is this a correct interpretation of the regulations?

Answer

Yes. In accordance with regulations at MPP Section 63-410.11, the 36-month period begins with the first day of the first full calendar month a food stamp applicant or recipient becomes subject to the ABAWD work requirement. Any month in which food stamps are prorated cannot be considered the first month of the 36-month period. In the case under consideration, the 36-month period has not begun.

7. Question

When an individual moves to California and applies for food stamps, should the county inquire as to whether the applicant was subject to and complying with the ABAWD work requirement in the previous state of residence to determine whether the application should be approved or denied? If the applicant was subject to the ABAWD requirement in another state, is the 36-month period which began in the previous state still in effect? Or does it begin again in California when the individual becomes subject to the ABAWD work requirement?

Answer

An individual's compliance with the ABAWD work requirement in other states is not taken into account in determining whether an application for food stamps in California should be approved or denied. Therefore, counties need not inquire as to whether a food stamp applicant met the ABAWD requirement in the previous states of residence. For all applicants, the 36-month period begins with the first full

calendar month they become subject to the ABAWD requirement.

8. Question

An individual applies for food stamps, is determined to be an ABAWD, and his 36-month period begins June 1, 1997. In October, he moves to another state and remains there until March of 1998. He then returns to California and reapplies for food stamps. In determining eligibility, should the county inquire as to whether the individual was exempt from or subject to the ABAWD work requirement while living in the other state? Is the 36-month period which began in June of 1997 still in effect? Or does it begin again when the individual becomes subject to the ABAWD work requirement after moving back to California?

Answer

The 36-month period which began in June of 1997 is still in effect since it started in California. However, the county need not inquire as to whether the individual met the ABAWD requirement in the other state since this information is not taken into account in determining whether the individual's application should be approved or denied. Nor do months in which an individual receives food stamps while residing in another state count against the three-month limit identified in MPP Section 63-410.

SECTION 63-410.2 ABAWD WORK REQUIREMENT DEFINED

9. Question

Can hours of participation in more than one activity be combined in order to satisfy the ABAWD work requirement? For example, could a client meet the ABAWD requirement by working 15 hours per week and participating at least five hours per week in a workfare, job training or education assignment?

Answer

Hours of participation in the allowable work activities identified in MPP Section 63-410.213 may be combined with one another or with employment to satisfy the 20-hour weekly participation requirement which must be met when employment or an allowable work activity is used to satisfy the ABAWD work requirement. However, food stamp workfare hours may not be combined with time spent in other activities to meet the 20-hour participation requirement.



Regarding the use of job search as part of a workfare component, see ACL 97-08 (page five).

10. Question

How are hours of workfare participation determined for households receiving extremely small food stamp allotments such as \$2 or \$4 dollars? Can a minimum number of hours be required of workfare participants for purposes of meeting the ABAWD work requirement even if this number is greater than the amount determined by dividing the household's food stamp allotment by the higher of the Federal or state minimum wage?

Answer

Hours of workfare participation are always determined by dividing the household's food stamp allotment by the higher of the Federal or state minimum wage, regardless of the amount of the household's allotment. Monthly participation requirements which exceed this amount cannot be established for workfare participants. Federal regulations at 7 CFR 273.22 (e)(2) specify that fractions of hours of workfare obligation may be rounded down. Therefore, a county could choose not to require participation for persons whose workfare obligation is less than one hour for a given month. Such persons would still be considered to be meeting the ABAWD work requirement.

11. Question

Two individuals within the same household are subject to the ABAWD work requirement and both agree to satisfy this requirement by participating in workfare assignments. How does the county determine the number of hours each individual must participate in order to satisfy the ABAWD work requirement? Is the entire household's food stamp allotment, or only a portion of the allotment used when calculating hours of workfare participation?

Answer

Federal regulations at 7 CFR 273.22 (e)(2) specify that the maximum number of workfare hours required of a household shall be determined by dividing the household's allotment by the Federal or state minimum wage, whichever is higher. Thus, if more than one member of the same household participates in a workfare assignment, each individual shall participate for a portion of the required number of workfare hours which when combined is equal to the maximum number of hours which may be required of that household.

There is no requirement that workfare hours be evenly divided among each household member participating in a workfare assignment. In the case at hand, one individual could participate for eight hours and the other 12 hours if the workfare obligation for the household is 20 hours.

12. Question

Is there a wage requirement which must be met in order for the ABAWD requirement to be considered satisfied through employment?

Answer

Effective November 6, 1997, MPP Section 63-410.211(a) specifies that hours worked in employment that is considered unsuitable in accordance with the minimum wage criteria listed at MPP Section 63-407.711 and .712 shall not count toward the 20-hour minimum identified in MPP Section 63-410.211. MPP Section 63-407.711 defines employment as unsuitable if the wage offered is less than the highest of the applicable Federal or state minimum wage, or 80% of the Federal minimum wage if neither the Federal nor state minimum wage is applicable. MPP Section 63-407.712 provides that employment offered on a piece-rate basis is unsuitable when the average hourly yield the individual can be expected to earn is less than the applicable hourly wage identified in MPP Section 63-407.711.

13. Question

Do hours worked for in-kind income such as housing or utilities count toward the 20 hour weekly minimum established for those who wish to satisfy the ABAWD work requirement through employment?

Answer

Hours worked for in-kind income shall count toward the 20 hour weekly minimum if the food stamp recipient provides documentation verifying the number of hours worked and that the in-kind income being reported was an actual benefit received from the employer.

14. Question

If, during a given week, an individual works 20 hours at a wage level equal to the minimum wage multiplied by 40 hours, should he/she be credited as having satisfied the ABAWD requirement for 40 hours or for two weeks?

Answer

No. An individual who works 20 hours and earns minimum wage or a higher rate of pay has met the ABAWD work requirement for one week.

15. Question

Are food stamp recipients participating in refugee training programs subject to the ABAWD work requirement?

Answer

Yes. MPP Section 63-410.213(c) includes refugee employability services as allowable activities which may be used to satisfy the ABAWD work requirement. Individuals participating in refugee training programs on less than a half-time basis are subject to the ABAWD work requirement. Individuals participating on less than a half-time basis may combine participation in refugee training programs with other allowable work activities, other than workfare, to satisfy the 20-hour weekly participation requirement identified in MPP Section 63-410.213. Persons enrolled at least half time in a recognized school or training program are exempt from the ABAWD work requirement (MPP Section 63-410.31 and 63-407.21(h)). This exemption applies to persons enrolled at least half time in a refugee training program.

16. Question

Regulations at MPP Section 63-410.213(c)(1) specify that hours spent in job search or job search training activities as part of an employment and training program shall not count toward completion of the ABAWD work requirement. Refugee employment programs often consist of concurrent participation in education/training assignments and job search/job training activities. Do hours spent in refugee employment programs requiring participation in job search or job search training count toward the 20-hour weekly participation requirement?

Answer

Yes. Hours spent in refugee employment programs, including those having job search requirements, shall count toward completion of the ABAWD work requirement. The provision which prohibits job search (MPP Section 63-410.213(c)(1)) applies only to employment and training programs in which job search or job search training is offered as a component

separate from other program activities. For example, in the FSET program, job club, supervised job search and unsupervised job search are independent program components which may not be used to satisfy the ABAWD work requirement. Within refugee employment programs, job search activities are not separate components, but are performed as part of a program component such as vocational training or employability services.

SECTION 63-410.3            EXEMPTIONS

17.    Question

Can both parents in a two-parent household claim exemption from the ABAWD work requirement due to care for a dependent child?

Answer

Yes. Effective November 6, 1997, regulations at MPP Section 63-410.323 specify that any adult living in a household that contains a dependent child is exempt from the ABAWD work requirement.

18.    Question

What age child can qualify a food stamp recipient for the ABAWD dependent care exemption at MPP Section 63-410.323? Must the child reside in the household to be considered a dependent?

Answer

A child under 18 years of age who resides in the same household with the individual(s) claiming the dependent care exemption shall be considered a dependent child for purposes of the exemption at MPP Section 63-410.323.

19.    Question

Regulations at MPP Section 63-410.321 include persons under 18 and 50 years of age or over in the list of ABAWD work requirement exemptions. For purposes of qualifying for this exemption, when is an individual considered 50 years of age?

Answer

An individual is considered 50 years of age for purposes of the exemption at MPP Section 63-410.321 when s/he turns 50.

20. Question

A woman fails to meet the ABAWD work requirement for three months and is sent a notice discontinuing food stamp benefits. Upon receiving the notice, she informs the county that for two of the months during which the ABAWD requirement was not met, she was exempt due to pregnancy, but has since had a miscarriage. If the client provides medical confirmation of this exemption after the fact, should the county rescind the discontinuance?

Answer

Yes. Regulations at MPP Section 63-410.34 provide that months during which an individual is exempt in accordance with Section 63-410.3 shall not be counted as months in which the ABAWD work requirement has not been satisfied. In the case under consideration, the notice should be rescinded and the recipient should receive food stamps for two more months without being required to fulfill the ABAWD requirement.

21. Question

A client claims an exemption from food stamp work registration and the ABAWD work requirement due to application for unemployment compensation. If the exemption is questionable and the county requests information which verifies this exemption, how long does the client have to submit evidence in order for the exemption to be considered valid?

Answer

Regulations at MPP Section 63-300.533(b) specify that if the unemployment compensation exemption is questionable, the CWD shall be responsible for verifying information. This can be done by determining that the individual is receiving unemployment compensation or has applied for unemployment compensation and that the individual was required to register for work with the Employment Development Department (EDD) as a part of the unemployment compensation application process. Thus, the county, rather than the individual, is responsible for verifying this exemption. There are no time limits within which the exemption must be verified by the county, provided county inquiries do not delay the food stamp application process.

22. Question

Is an individual living on an Indian reservation with an

unemployment rate above 10% subject to the ABAWD work requirement?

Answer

Such an individual is subject to the work requirement, unless he/she lives in a county or part of the county where the ABAWD work requirement has been waived, or is exempt for other reasons.

23. Question

An individual who is a regular participant in an alcohol or drug treatment and rehabilitation program is exempt from the ABAWD work requirement [MPP Sections 63-410.32 and 63-407.21(f)]. How is regular participant defined? Would an individual be exempt while participating in a residential alcohol or drug treatment program with rules which prohibit the individual from leaving the premises for 30 days? Are Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) included in this regulation?

Answer

A regular participant in an alcohol or drug treatment program is one whose participation precludes employment of at least 30 hours per week. This includes a participant in a residential treatment program which requires participants to remain on the premises. Participation in an Alcoholics Anonymous or Narcotics Anonymous program usually does not preclude employment, and, therefore, would not exempt an individual from the ABAWD work requirement. Please refer to question three of ACL 95-18, dated April 24, 1995.

24. Question

If an individual meets the student eligibility requirements at MPP Section 63-406.2, is s/he exempt from the ABAWD work requirement?

Answer

Yes. An individual enrolled at least half-time in an institution of higher education shall be exempt from food stamp work registration and the ABAWD work requirement if s/he meets the eligibility conditions specified in MPP Section 63-406.2. Also refer to MPP Sections 63-410.31 and 63-407.21 (h). Persons enrolled at least half-time in recognized schools and training programs which are not institutions of higher education are not required to meet

the eligibility conditions at MPP Section 63-406.2 in order to be exempted from food stamp work registration and the ABAWD work requirement.

25. Question

Are the following individuals exempt from the ABAWD work requirement: 1) An individual employed for 25 hours per week, but not earning minimum wage; and 2) An individual working on commission who is working over 30 hours per week, but has no earnings?

Answer

Neither of the individuals identified is exempt from the ABAWD work requirement. Effective November 6, 1997, both jobs are considered unsuitable employment in light of the wage requirements at MPP Section 63-407.711 and .712. Therefore, hours worked in these jobs shall not count toward the 20-hour minimum identified in MPP Section 63-410.211.

26. Question

When tracking an individual's status as exempt from the ABAWD work requirement, is the individual considered exempt for the month in which he/she first qualified for the exemption? Or, does the exemption begin with the first of the following month?

Answer

In tracking an individual's ABAWD status, the individual is considered exempt for any month in which he/she meets one of the criteria identified in Section 63-410.3 for all or part of that month. This includes the month in which the individual first becomes exempt from the ABAWD work requirement.

SECTION 63-410.4 LOSS OF ELIGIBILITY

27. Question

An individual fails to meet the ABAWD work requirement for April and May. On June 16 she informs her case worker that three days earlier, she began a job which averages 25 hours per week. Would her food stamps still be discontinued effective July 1, even though she is now working more than 20 hours per week?

Answer

No. Food stamps would not be discontinued as the recipient has obtained employment which could enable her to satisfy the ABAWD requirement for the month of June if she is given the opportunity to work more hours than the weekly average reported to her case worker. If the recipient does not work a sufficient number of hours to meet the ABAWD requirement, budgeting requirements would apply and food stamps would be discontinued effective August 1.

28. Question

A food stamp recipient fails to meet the ABAWD work requirement for January, February and March. However, the county neglects to send a timely notice discontinuing food stamps at the end of the third month. The case is discontinued at the end of March for reasons other than failing to satisfy the ABAWD work requirement. The client reapplies on May 6 and is neither exempt from nor meeting the ABAWD work requirement. Should the application be denied? Or, should the application be approved and food stamps subsequently discontinued since the notice required by MPP Section 63-410.41 was never sent?

Answer

The applicant is ineligible since s/he has received food stamps for three months without satisfying the ABAWD work requirement. Therefore, the food stamp application should be denied and the individual shall remain ineligible for the duration of the 36-month period unless s/he becomes exempt or regains eligibility in accordance with MPP Section 63-410.51. However, If the individual becomes exempt or satisfies requirements for regaining eligibility while the application is being processed, the application shall be approved if all other eligibility criteria have been met.

SECTION 63-410.5

REGAINING ELIGIBILITY

29. Question

An individual receives food stamps for three months without meeting the ABAWD work requirement and his food stamps are discontinued effective April 1, 1997. In May, he regains eligibility by obtaining employment and working more than 80 hours in a 30-day period. Six months later, the individual gets a raise that makes him ineligible for food stamps and his benefits are discontinued December 31, 1997.



In March 1998, he is laid off from his job and reapplies for food stamps. Can the individual receive food stamps for the three consecutive months identified in MPP Section 63-410.52?

Answer

Yes. Regulations at MPP Section 63-410.52 specify that when an individual subsequently stops performing the ABAWD work requirement after regaining eligibility in accordance with MPP Section 63-410.5, that person shall remain eligible for a period of three consecutive months. This includes an individual who applies for food stamps after a break in eligibility.

30. Question

Once an individual has received food stamps for the three consecutive months identified in MPP Section 63-410.52, is s/he ineligible for the remainder of the 36-month period, even if s/he works 20 hours per week?

Answer

No. Following completion of the three-month period identified in MPP Section 63-410.52, an individual is again eligible for food stamps as soon as s/he demonstrates that the ABAWD work requirement is being met. One means for meeting the ABAWD requirement is working a minimum of 20 hours per week (averaged monthly). Please refer to ACL 97-08, Enclosure II, page four, question two.

31. Question

The DFA 377.11 (Notice of Food Stamp Discontinuance) fails to clearly differentiate between actions which must be taken to regain eligibility by persons whose benefits are discontinued for the first, versus the second or subsequent time in a 36-month period following their failure to meet the ABAWD work requirement. Will the DFA 377.11 be revised for clarity?

Answer

Yes. The DFA 377.11 has been revised and separated into two notices of action and copies are attached to this ACL. The first notice of action will be used for those individuals who have received food stamps for three months in a 36-month period and are being discontinued for the first time due to failure to meet the ABAWD work requirement. The second notice of action will be used for

those individuals who have regained eligibility and are no longer meeting the ABAWD requirement. For persons who have not yet received food stamps for the three consecutive months identified in MPP Section 63-410.52, this notice should not be issued until the middle of the third month identified in that section.

32. Question

An individual is denied eligibility for failing to satisfy the ABAWD work requirement during March, April and May of 1997. In July, the individual becomes exempt and is again eligible after reapplying for food stamps. If the exemption ends during the 36-month period identified in MPP Section 63-410.1, should the individual's food stamps be discontinued until he regains eligibility in accordance with MPP Section 63-410.51?

Answer

Yes. An individual must regain eligibility once the exemption ends. In this instance, once the exemption ends, the individual is ineligible for food stamps until he successfully participates in accordance with MPP Section 63-410.5 or again becomes exempt from the ABAWD work requirement.

33. Question

In June, an individual successfully completes an activity necessary to regain eligibility, but he does not apply for food stamps until August 5. Should food stamps be prorated from the date of application? Or should benefits be restored to the date the individual was again eligible after participating in accordance with MPP Section 63-410.5 (i.e., June 30)?

Answer

Benefits should be prorated from the date the individual applied for food stamps i.e., August 5. An individual whose food stamps are discontinued for failing to meet the ABAWD work requirement must both meet the food stamp eligibility requirements, including the ABAWD work, and apply for food stamps before receiving benefits.

34. Question

An individual fails to satisfy the ABAWD work requirement for three months and his food stamps are discontinued

effective June 1. On July 5, he obtains employment of more than 20 hours per week and reapplies for food stamps on July 12. Should the application be prospectively approved since the individual has begun working enough hours to satisfy the ABAWD requirement? Or should the application be denied until he has regained eligibility?

Answer

MPP Section 63-410.511 specifies that an individual denied eligibility for failing to meet the ABAWD work requirement can regain eligibility through employment by working a minimum of 80 hours during a period of 30 days. Until this requirement is met, the individual is ineligible for food stamps. In the case under consideration, the application filed on July 12 should be denied.

SECTION 63-407.5 and 63-408      WORK REGISTRATION SANCTIONS AND  
VOLUNTARY QUIT

35.      Question

A work registrant voluntarily quits employment without good cause and is sent a Notice of Action (NOA) imposing a minimum one month food stamp sanction. Can the registrant avoid being sanctioned if, prior to the beginning date of the sanction, he obtains employment comparable in salary or hours to the job that was quit? If so, is the voluntary quit considered an instance of noncompliance?

Answer

A registrant who voluntarily quits employment, fails to comply with food stamp work requirements, or reduces hours worked to less than 30 per week can avoid being sanctioned if, prior to the effective date of the sanction, he/she meets specified work registration exemptions or complies with program requirements identified in Sections 63-407.6 and 63-408.6. When a registrant cures a sanction prior to its imposition, there is no instance of noncompliance for sanction purposes. In this particular instance, the registrant can avoid receiving a voluntary quit sanction if he obtains employment that meets the conditions of MPP Section 63-408.611 or qualifies for one of the exemptions identified in MPP Section 63-408.612 before the sanction begins.

36.      Question

Do voluntary quit sanctions apply to those who have

terminated employment without good cause within 60 days prior to the date of application?

Answer

Regulations at MPP Section 63-408.1 have been amended to specify that an individual who voluntarily quits employment without good cause within 60 days of the date s/he applies for food stamps shall be denied eligibility for a period of 90 days starting from the date of quit. Unlike food stamp recipients who can only regain eligibility through program compliance after the minimum one, three, or six month sanction is completed, applicants may reestablish eligibility at any time by becoming exempt or securing employment that is comparable in salary or hours to the job that was quit. An applicant denied eligibility due to voluntary quit shall not be considered to have committed an instance of noncompliance for purposes of determining the minimum length of any food stamp sanctions subsequently imposed. For those cases in which a quit occurs prior to certification, but is not discovered until after certification, the individual shall be treated as a food stamp recipient and requirements at MPP Section 63-408.2 shall apply. For these individuals, sanctions shall last a minimum of one, three, or six months. As amended, regulations at MPP Section 63-408.1 were adopted on August 21, 1997.

37. Question

A food stamp recipient moves from another county or state and applies for food stamps in the new county of residence. The client informs the eligibility worker that s/he is currently receiving food stamps in the county or state from which s/he has moved. During the interview, the client discloses that s/he voluntarily quit a job while receiving food stamps in the previous county or state. The county learns that the employment was suitable, earnings were sufficient for the quit to be considered a sanctionable action, and the voluntary quit was not for good cause. Since sanctions were not applied in the previous county or state, can the application be denied and a sanction imposed? Or, must the application be approved and the voluntary quit disregarded?

Answer

Food stamp sanctions should be imposed whenever a county discovers that a food stamp recipient who is a nonexempt work registrant has voluntarily quit employment without

good cause while in receipt of food stamps. This includes persons who quit a job while living in another state or county. In the case under consideration, the request for food stamps should be denied and voluntary quit sanctions should be imposed in accordance with MPP Section 63-408.2. The duration of the food stamp sanction will be based on the number of food stamp sanctions previously imposed (see Section 63-407.53).

38. Question

A Greater Avenues for Independence (GAIN) participant is sanctioned for failing to comply with program requirements. In accordance with MPP Section 63-407.54, the county also initiates the imposition of a food stamp sanction. However, in reviewing the participant's case record, the county learns that he is responsible for the care of a four-year-old child and is determined to be exempt from food stamp work registration per MPP Section 63-407.21 (d). Should the GAIN participant receive a food stamp sanction since he is exempt from food stamp work registration?

Answer

No. A food stamp sanction is not imposed when a food stamp recipient qualifies for specific work registration exemptions identified in Section 63-407.611 or complies with program requirements prior to the effective date of the sanction. Exemptions listed at Section 63-407.611 include Section 63-407.21(d) i.e., a parent or other household member responsible for care of a child under age six or an incapacitated person. When an individual becomes exempt or complies prior to being sanctioned, there is no instance of noncompliance for sanction purposes. In the case under consideration, food stamp sanctions should not be imposed and the instance of GAIN noncompliance should be disregarded for food stamp sanction purposes. However, the decrease in CalWORKs benefits due to the GAIN sanction shall not result in increased food stamp benefits (see MPP Section 63-503.51).

39. Question

On June 5, a GAIN participant is sent a notice imposing a first instance GAIN sanction. Because of the participant's noncompliance with GAIN requirements, a notice imposing food stamp sanctions is also sent on June 5. This is the first time the recipient has been sanctioned under the food stamp program. Both sanctions are scheduled to take effect July 1. On June 12, the participant cures the GAIN program

violation. Since the participant complied with GAIN requirements before sanctions were imposed, how should the county handle each sanction? For example, would the GAIN sanction be rescinded and the food stamp sanction still be applied? Would both the GAIN and food stamp sanctions be rescinded? Or, would both sanctions take effect July 1?

Answer

When a GAIN participant cures a sanction before the effective date of the sanction, the notice is rescinded, the instance of noncompliance is disregarded, and no sanction is imposed. Consequently, there is no longer any basis for imposing a food stamp sanction and the notice of disqualification should also be rescinded. In the case at hand, both the GAIN and food stamp sanction notices should be rescinded and no instance of sanction will have occurred.

Enclosure II

FOOD STAMP SANCTION AND ABAWD NOTICES

This enclosure contains the following notices for use in applying food stamp sanctions and in administering regulations governing the ABAWD work requirement:

- The revised Food Stamp Notice Of Disqualification (DFA 377.10). This notice is used in denying eligibility to food stamp applicants who have voluntarily quit employment within 60 days of applying for food stamps. This notice is also used in applying sanctions to nonexempt work registrants who:
  - o Fail to comply with an FSET assignment;
  - o Fail to respond to a request for information regarding employment status;
  - o Fail to report to an employer to whom referred;
  - o Fail to accept an offer of suitable employment;
  - o Reduce hours worked to less than 30 per week; or
  - o Voluntarily quit employment.
- The new Food Stamp Notice of Discontinuance: First Failure To Meet ABAWD Work Requirement (DFA 377.11A). This notice is used to discontinue food stamps to persons who have received food stamps for three months in a 36-month period and are being discontinued for the first time due to failure to meet the ABAWD work requirement.
- The new Food Stamp Notice of Discontinuance: Second or Subsequent Discontinuance For Failure To Meet ABAWD Work Requirement (DFA 377.11B). This notice is used to discontinue food stamps to persons who were previously discontinued for failing to meet the ABAWD work requirement the first time in the 36-month period, regained eligibility by meeting the work requirement, but are no longer meeting this requirement. In accordance with MPP Section 63-410.52, such individuals are entitled to receive food stamps for three consecutive months. This notice should be issued in the middle of the third month identified in that section.
- The new Food Stamp Denial Messages. These messages are used to deny eligibility to individuals whose food stamps have been discontinued due to failure to meet the ABAWD

Page Two

requirement and who reapply prior to regaining eligibility in accordance with MPP Section 63-410.51 or .521, whichever is appropriate.



Denial Message for DFA 377.1A (NOTICE OF DENIAL OR PENDING STATUS)

X Your household's application for Food Stamps has been denied because:

Message: \_\_\_\_\_ did not follow the Able-Bodied Adult Without Dependents (ABAWD) work rule and that person has not met the requirements needed to regain eligibility for food stamps.

Note: If the individual whose food stamps are being denied resides with other eligible food stamp applicants and recipients, the denial statement should be revised to read:

X The application for Food Stamps filed by \_\_\_\_\_ has been denied because:



# FOOD STAMP NOTICE OF DISQUALIFICATION

COUNTY OF \_\_\_\_\_

STATE OF CALIFORNIA  
HEALTH AND WELFARE AGENCY  
DEPARTMENT OF SOCIAL SERVICES

NOTICE DATE : \_\_\_\_\_  
CASE NAME : \_\_\_\_\_  
NUMBER : \_\_\_\_\_  
WORKER NAME : \_\_\_\_\_  
NUMBER : \_\_\_\_\_  
TELEPHONE : \_\_\_\_\_  
ADDRESS : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(ADDRESSEE)

Questions? Ask Your Worker

**State Hearing:** If you think this action is wrong, you can ask for a hearing. The back of this page tells how. Your benefits may not be changed if you ask for a hearing before this action takes place.

The County is taking the following action because \_\_\_\_\_ did not follow the Food Stamp work rules.

As of \_\_\_\_\_,

- ☐ \_\_\_\_\_ is denied receipt of Food Stamps.
- ☐ \_\_\_\_\_ is disqualified from the Food Stamp Program.
- ☐ The amount of your household's food stamps will be changed from \_\_\_\_\_ to \_\_\_\_\_.
- ☐ Other \_\_\_\_\_

To get Food Stamps again, \_\_\_\_\_ must be eligible. To be eligible, that person must:

- Be exempt from the Food Stamp work rules, or
  - Take action to end the disqualification or denial.
  - ☐ You can take action at any time to end this disqualification
  - ☐ You can only take action after \_\_\_\_\_ to end this disqualification.
- You can end this disqualification at any time if you become exempt from the work rules.

If your household had other changes you will get another notice.

WHY FOOD STAMPS ARE BEING STOPPED OR DENIED	HOW TO GET FOOD STAMPS
<input type="checkbox"/> Didn't keep an appointment/ Didn't give us information we asked for.	Call us/ Give us the information.
<input type="checkbox"/> Didn't go to a job.	Go to a job if it is still available or go to another job when sent.
<input type="checkbox"/> Turned down a job.	Take the job if it is still there or find another job. The other job must either be at least 30 hours per week, or pay as much per week as: <ul style="list-style-type: none"> <li>• The job you turned down, or</li> <li>• The Federal minimum wage times 30.</li> </ul>
<input type="checkbox"/> Changed the number of hours worked to less than 30 hours per week.	Increase the hours worked to at least 30 hours per week.
<input type="checkbox"/> Quit a job.	Get the job back if it is still open, or find another job with at least the same pay or hours as the one quit.
<input type="checkbox"/> Didn't go on a job search, work assignment, to school, or to training.	Start doing the assignment we give you. Call or see us. We will tell you what to do.
<input type="checkbox"/> Other.	

The person listed above may also need to meet the Able-Bodied Adult Without Dependents (ABAWD) work rule. If that person is ineligible for food stamps because they have not met that rule for enough months to keep getting food stamps, another notice will be sent telling them what they need to do to get food stamps again.

RULES: These rules apply. You may review them at your welfare office.

MPP ☐ 63-407 ☐ 63-408 ☐ Other \_\_\_\_\_

## To Ask For a State Hearing

- ## To Keep Your Same Benefits While You Wait For a Hearing

**You must ask for a hearing before the action takes place.**

- Your Cash Aid will stay the same until your hearing.
- Your Medi-Cal will stay the same until your hearing.
- Your Food Stamps will stay the same until the hearing or the end of your certification period, whichever is earlier.
- Your CalWORKs Child Care benefits will **NOT** stay the same until your hearing.
- If the hearing decision says we are right, you will owe us for any extra cash aid or food stamps you got.

## To Have Your Benefits Cut Now

**If you want your Cash Aid or Food Stamps cut while you wait for a hearing, check one or both boxes.**

- ☐
- Cash Aid
- ☐
- Food Stamps

## To Get Help

You can ask about your hearing rights or free legal aid at the state information number.

Call toll free: 1-800-952-5253

**If you are deaf and use TDD, call: 1-800-952-8349**

**You may get free legal help at your local legal aid office or welfare rights group.**

### Other Information

**Child and/or Medical Support:** The District Attorney's office will help you collect support even if you are not on cash aid. There is no cost for this help. If they now collect support for you, they will keep doing so unless you tell them in writing to stop. They will send you any current support money collected. They will keep past due money collected that is owed to the county.

**Family Planning:** Your welfare office will give you information when you ask for it.

**Hearing File:** If you ask for a hearing, the State Hearing Office will set up a file. You have the right to see this file. The State may give your file to the Welfare Department, the U.S. Department of Health and Human Services and the U.S. Department of Agriculture. (W. & I. Code Section 10950).

**The best way to ask for a hearing is to fill out this page. Make a copy of the front and back for your records. Then, send or take this page to:**

Your worker will get you a copy of this page if you ask. Another way to ask for a hearing is to call 1-800-952-5253. If you are deaf and use TDD, call: 1-800-952-8349.

## HEARING REQUEST

I want a hearing because of an action by the Welfare Department  
of \_\_\_\_\_ County about my

- ☐ Cash Aid    ☐ Food Stamps    ☐ Medi-Cal    ☐ Child Care  
☐ Other (list) \_\_\_\_\_

**Here's why:**\_\_\_\_\_

- ☐ Check here and add a page if you need more space.
- ☐ I want the person named below to represent me at this hearing.  
I give my permission for this person to see my records or come to the hearing for me.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

- ☐ I need a free interpreter.  
My language or dialect is: \_\_\_\_\_

My name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

My case number: \_\_\_\_\_

My signature: \_\_\_\_\_

Date: \_\_\_\_\_

# NOTIFICACION DE DESCALIFICACION DEL PROGRAMA DE ESTAMPILLAS PARA COMIDA

CONDADO DE \_\_\_\_\_

STATE OF CALIFORNIA  
HEALTH AND WELFARE AGENCY  
DEPARTMENT OF SOCIAL SERVICES

FECHA DE LA NOTIFICACION : \_\_\_\_\_  
NOMBRE DEL CASO : \_\_\_\_\_  
NUMERO : \_\_\_\_\_  
NOMBRE DEL TRABAJADOR : \_\_\_\_\_  
NUMERO : \_\_\_\_\_  
TELEFONO : \_\_\_\_\_  
DIRECCION : \_\_\_\_\_  
\_\_\_\_\_

(ADDRESSEE)

¿Tiene preguntas? Comuníquese con su trabajador.

**Audiencia con el estado:** Si usted cree que esta acción está equivocada, puede solicitar una audiencia. En el reverso de esta hoja se le explica cómo solicitarla. Es posible que sus beneficios no cambien si usted solicita una audiencia antes que esta acción entre en vigor.

El condado está tomando la siguiente acción porque \_\_\_\_\_ no cumplió con las reglas de trabajo del Programa de Estampillas para Comida.

A partir de \_\_\_\_\_,

- ☐ a \_\_\_\_\_ se le niegan las estampillas para comida.
- ☐ \_\_\_\_\_ queda descalificado del Programa de Estampillas para Comida.
- ☐ la cantidad de estampillas para comida se cambiará de \_\_\_\_\_ a \_\_\_\_\_ para su grupo para fines de estampillas para comida.
- ☐ Otro: \_\_\_\_\_

Para volver a recibir estampillas para comida, \_\_\_\_\_ tiene que reunir los requisitos. Para reunir los requisitos, esta persona tiene que:

- estar exenta de las reglas de trabajo del Programa de Estampillas para Comida, o
- hacer lo que se necesita para que se termine la descalificación o la negativa.
- ☐ puede hacer lo que se necesita para que se termine la descalificación en cualquier momento.
- ☐ solo puede hacer lo que se necesita para que se termine la descalificación después de \_\_\_\_\_.

Puede terminar esta descalificación en cualquier momento si se le exenta de cumplir con las reglas de trabajo.

Si su grupo para fines de estampillas para comida tiene otros cambios recibirá otra notificación.

RAZON POR LA CUAL SE HAN SUSPENDIDO O NEGADO LAS ESTAMPILLAS PARA COMIDA	LO QUE SE PUEDE HACER PARA OBTENER ESTAMPILLAS PARA COMIDA
<input type="checkbox"/> No fue a una cita/ No nos proporcionó la información que le pedimos.	Llámenos/ Proporcione la información que le pedimos.
<input type="checkbox"/> No fue a un trabajo.	Vaya al trabajo si todavía está disponible o vaya a otro trabajo al que le envíen.
<input type="checkbox"/> No aceptó un trabajo.	Acepte el trabajo si todavía está disponible o encuentre otro trabajo. El otro trabajo tiene que ser de al menos 30 horas por semana o el salario por semana tiene que ser igual a: <ul style="list-style-type: none"> <li>• el salario del trabajo que no aceptó, o</li> <li>• el salario mínimo federal multiplicado por 30.</li> </ul>
<input type="checkbox"/> Cambió el número de horas que trabajó a menos de 30 horas por semana.	Aumente las horas que trabaja por lo menos a 30 horas por semana.
<input type="checkbox"/> Renunció a su trabajo.	Regrese al trabajo si todavía está disponible, o encuentre otro trabajo que por lo menos pague lo mismo o tenga las mismas horas que el trabajo al que renunció.
<input type="checkbox"/> No fue a buscar trabajo, ni fue a su asignación de trabajo, ni fue a la escuela, ni a entrenamiento.	Empiece a hacer lo que le asignamos. Llame o venga a vernos. Nosotros le diremos que hacer.
<input type="checkbox"/> Otra.	

Es posible que la persona cuyo nombre aparece arriba también tenga que cumplir con la regla de trabajo para los adultos con la capacidad de trabajar y sin personas a su cargo (ABAWD). Si esa persona no es elegible para estampillas para comida debido a que no ha cumplido con esa regla durante el suficiente número de meses para continuar recibiendo estampillas para comida, se le enviará otra notificación en la cual se le indique lo que tiene que hacer para recibir estampillas para comida otra vez.

REGLAS: Las siguientes reglas son pertinentes. Las puede revisar en la oficina de bienestar público.

MPP ☐ 63-407 ☐ 63-408 ☐ Otra \_\_\_\_\_

## Para pedir una audiencia con el estado

- Para conservar sus mismos beneficios mientras espera una audiencia**

NA BACK 8 (SP)

# FOOD STAMP NOTICE OF DISCONTINUANCE

## 1st Failure To Meet ABAWD Work Requirement

COUNTY OF \_\_\_\_\_

STATE OF CALIFORNIA  
HEALTH AND WELFARE AGENCY  
DEPARTMENT OF SOCIAL SERVICES

NOTICE DATE : \_\_\_\_\_  
CASE NAME : \_\_\_\_\_  
NUMBER WORKER NAME : \_\_\_\_\_  
NUMBER : \_\_\_\_\_  
TELEPHONE : \_\_\_\_\_  
ADDRESS : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(ADDRESSEE)

Questions? Ask Your Worker

**State Hearing:** If you think this action is wrong, you can ask for a hearing. The back of this page tells how. Your benefits may not be changed if you ask for a hearing before this action takes place.

As of \_\_\_\_\_, food stamps will be discontinued for \_\_\_\_\_.

The County is taking this action because \_\_\_\_\_ has not followed the Able-Bodied Adults Without Dependents

(ABAWD) work rule for: first failed month/year \_\_\_\_\_  
second failed month/year \_\_\_\_\_ and

- ☐ has not provided proof that the ABAWD work rule has been met for the third failed month/year \_\_\_\_\_  
☐ did not meet the ABAWD work rule for the third failed month/year \_\_\_\_\_.

This is the first time in the 36-month period that started \_\_\_\_\_ that this person had their food stamps discontinued for not following the ABAWD work rule.

A person who is not exempt from the ABAWD work rule cannot receive food stamps for more than three months without meeting the ABAWD work rule. The ABAWD work rule says that each month a person must work an average of 20 hours or more per week, participate in a workfare assignment, or participate in a work assignment for 20 or more hours per week.

To get food stamps again, \_\_\_\_\_ must be eligible. To be eligible, that person must:

- Be exempt from the ABAWD work rule; or
- Show proof that they either followed the ABAWD work rule or were exempt for any or all of the months listed above by the date of the discontinuance; or
- Work 80 or more hours in a 30-day period, participate in a workfare assignment for the required number of hours in a 30-day period, participate in a work assignment 80 or more hours in a 30-day period, or become exempt.

Even if you do not become exempt or follow the ABAWD work rule, you may become eligible again when the 36-month period ends in \_\_\_\_\_. You may reapply at that time.

If your household had other changes you will get another notice.

If the failure to meet the ABAWD work rule also causes a Food Stamp penalty, that person may not be able to get food stamps for at least 1, 3, or 6 months. That person will get another notice telling them how long their food stamps will be stopped.

### COMMENTS

RULES: These rules apply. You may review them at your welfare office.

MPP ☐ 63-410 ☐ Other \_\_\_\_\_





# NOTIFICACION DE DESCONTINUACION DE ESTAMPILLAS PARA COMIDA

Descontinuación por no cumplir con el requisito  
de trabajo para los ABAWD (adultos con la  
capacidad de trabajar y sin personas a su cargo)

CONDADO DE

STATE OF CALIFORNIA  
HEALTH AND WELFARE AGENCY  
DEPARTMENT OF SOCIAL SERVICES

FECHA DE LA NOTIFICACION : \_\_\_\_\_  
NOMBRE DEL CASO : \_\_\_\_\_  
NUMERO : \_\_\_\_\_  
NOMBRE DEL TRABAJADOR : \_\_\_\_\_  
NUMERO : \_\_\_\_\_  
TELEFONO : \_\_\_\_\_  
DIRECCION : \_\_\_\_\_  
\_\_\_\_\_

(ADDRESSEE)

¿Tiene preguntas? Comuníquese con su trabajador.

**Audiencia con el estado:** Si usted cree que esta acción está equivocada, puede solicitar una audiencia. En el reverso de esta hoja se le explica cómo solicitarla. Es posible que sus beneficios no cambien si usted solicita una audiencia antes que esta acción entre en vigor.

A partir de \_\_\_\_\_, se descontinuarán las estampillas para comida de \_\_\_\_\_.

El condado está tomando esta acción debido a que \_\_\_\_\_ no ha cumplido con la regla de trabajo para los ABAWD durante:

primer mes/año que no se cumplió \_\_\_\_\_

segundo mes/año que no se cumplió \_\_\_\_\_ y

☐ no ha entregado pruebas de que haya cumplido con la regla de trabajo para los ABAWD para el tercer mes/año en que no se cumplió \_\_\_\_\_

☐ no cumplió con la regla de trabajo para los ABAWD para el tercer mes/año en que no se cumplió \_\_\_\_\_

Esta es la primera vez, en el período de 36 meses que empezó en \_\_\_\_\_, que se han descontinuado las estampillas para comida de esta persona debido a que no cumplió con la regla de trabajo para los ABAWD.

Una persona que no está exenta de la regla de trabajo para los ABAWD no puede recibir estampillas para comida por más de tres meses sin cumplir con esta regla. La regla de trabajo para los ABAWD dice que cada mes, esa persona tiene que trabajar un promedio de 20 horas o más por semana, participar en una actividad de trabajo a cambio de beneficios (*workfare*), o participar en una asignación de trabajo de 20 horas o más por semana.

Para volver a recibir estampillas para comida, \_\_\_\_\_ tiene que reunir los requisitos. Para reunir los requisitos esa persona tiene que:

- estar exenta de la regla de trabajo para los ABAWD; o
- presentar pruebas, de que cumplió con la regla de trabajo para los ABAWD o que estaba exenta durante uno o todos los meses que se indican arriba, o a más tardar para la fecha de la descontinuación; o
- trabajar 80 horas o más durante un período de 30 días, participar en una actividad de trabajo a cambio de beneficios durante el número de horas requeridas en un período de 30 días, participar en una asignación de trabajo 80 o más horas en un período de 30-días, o lograr que se le exente.

Aun si no logra que se le exente o no cumple con la regla de trabajo para los ABAWD, es posible que vuelva a reunir los requisitos cuando termine el período de 36 meses en \_\_\_\_\_. Puede volver a presentar una solicitud en esa fecha.

Si su grupo para fines de estampillas para comida tiene otros cambios, recibirá otra notificación.

Si el no cumplir con la regla de trabajo para los ABAWD también ocasiona una sanción en relación a las estampillas para comida, es posible que esa persona no pueda recibir estampillas para comida durante al menos 1, 3 o 6 meses. Esa persona recibirá otra notificación en la cual se le indique durante cuánto tiempo se le descontinuarán las estampillas para comida.

## COMENTARIOS

REGLAS: Las siguientes reglas son pertinentes. Las puede revisar en la oficina de bienestar público.

MPP ☐ 63-410 ☐ Otra: \_\_\_\_\_



# FOOD STAMP NOTICE OF DISCONTINUANCE

## 2nd Or Subsequent Discontinuance For Failure To Meet ABAWD Work Requirement

COUNTY OF \_\_\_\_\_

STATE OF CALIFORNIA  
HEALTH AND WELFARE AGENCY  
DEPARTMENT OF SOCIAL SERVICES

NOTICE DATE : \_\_\_\_\_  
CASE NAME : \_\_\_\_\_  
NUMBER : \_\_\_\_\_  
WORKER NAME : \_\_\_\_\_  
NUMBER : \_\_\_\_\_  
TELEPHONE : \_\_\_\_\_  
ADDRESS : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(ADDRESSEE)

Questions? Ask Your Worker

**State Hearing:** If you think this action is wrong, you can ask for a hearing. The back of this page tells how. Your benefits may not be changed if you ask for a hearing before this action takes place.

As of \_\_\_\_\_, food stamps will be discontinued for \_\_\_\_\_.

The County is taking this action because \_\_\_\_\_: ☐ did not meet the Able-Bodied Adult Without Dependents (ABAWD) work rule for \_\_\_\_\_ month/year ☐ has not provided proof that the rule has been met for \_\_\_\_\_ month/year.

Persons who fail to meet the ABAWD work rule more than once during a 36-month period may receive food stamps for one period of three consecutive months. This three month period is no longer available for \_\_\_\_\_.

A person who fails to meet the ABAWD work rule more than once during a 36-month period and receives food stamps for the three consecutive month period cannot receive food stamps unless that person either becomes exempt or meets the ABAWD work rule.

The ABAWD work rule says that each month a person must work an average of 20 hours or more per week, participate in a workfare assignment, or participate in a work assignment for 20 or more hours per week.

To get food stamps again, \_\_\_\_\_ must be eligible. To be eligible, that person must:

- Be exempt from the ABAWD work rule; or
- Show proof that they either followed the ABAWD work rule or were exempt for the month shown above by the date of the discontinuance; or
- Work an average of 20 hours per week, participate in a workfare assignment, or participate in a work assignment an average of 20 hours per week.

Even if you do not become exempt or follow the ABAWD work rule, you may become eligible again when the 36-month period ends in \_\_\_\_\_. You may reapply at that time.

If your household had other changes you will get another notice.

If the failure to meet the ABAWD work rule also causes a Food Stamp penalty, that person may not be able to get food stamps for at least 1, 3, or 6 months. That person will get another notice telling them how long their food stamps will be stopped.

### COMMENTS

RULES: These rules apply. You may review them at your welfare office.

MPP ☐ 63-410 ☐ Other \_\_\_\_\_



# NOTIFICACION DE DESCONTINUACION DE ESTAMPILLAS PARA COMIDA

Segunda discontinuación o discontinuación  
subsecuente por no cumplir con el requisito de  
trabajo para los ABAWD (adulto con la capacidad  
de trabajar y sin personas bajo su cuidado)

CONDADO DE

STATE OF CALIFORNIA  
HEALTH AND WELFARE AGENCY  
DEPARTMENT OF SOCIAL SERVICES

FECHA DE LA NOTIFICACION : \_\_\_\_\_  
NOMBRE DEL CASO : \_\_\_\_\_  
NUMERO : \_\_\_\_\_  
NOMBRE DEL TRABAJADOR : \_\_\_\_\_  
NUMERO : \_\_\_\_\_  
TELEFONO : \_\_\_\_\_  
DIRECCION : \_\_\_\_\_  
\_\_\_\_\_

(ADDRESSEE)

¿Tiene preguntas? Comuníquese con su trabajador.

**Audiencia con el estado:** Si usted cree que esta acción está equivocada, puede solicitar una audiencia. En el reverso de esta hoja se le explica cómo solicitarla. Sus beneficios no cambiarán si usted solicita una audiencia antes que esta acción entre en vigor.

A partir de \_\_\_\_\_, se discontinuarán las estampillas para comida de \_\_\_\_\_.

El condado está tomando esta acción debido a que \_\_\_\_\_:

- ☐ no cumplió con la regla de trabajo para los ABAWD durante (mes/año) \_\_\_\_\_.
- ☐ no ha proporcionado pruebas de que ha cumplido con la regla durante (mes/año) \_\_\_\_\_.

Es posible que las personas que más de una vez no cumplan con la regla de trabajo para los ABAWD en un período de 36 meses reciban estampillas para comida durante un período de tres meses consecutivos. Este período de tres meses ya no está disponible para \_\_\_\_\_.

Una persona que más de una vez no cumpla con la regla de trabajo para los ABAWD en un período de 36 meses y reciba estampillas para comida durante el período de tres meses consecutivos, no podrá volver a recibir estampillas para comida a menos que la persona esté exenta o cumpla con la regla de trabajo para los ABAWD.

La regla de trabajo para los ABAWD dice que cada mes esta persona tiene que trabajar un promedio de 20 horas o más por semana, participar en una asignación de trabajo a cambio de beneficios (*workfare*), o participar en una asignación de trabajo de 20 horas o más por semana.

Para volver a recibir estampillas para comida, \_\_\_\_\_ tiene que reunir los requisitos. Para reunir los requisitos esta persona tiene que:

- estar exenta de la regla de trabajo para los ABAWD; o
- presentar pruebas que ha cumplido con la regla de trabajo para los ABAWD o que estaba exenta durante el mes que se indica arriba o en la fecha de discontinuación; o
- trabajar un promedio de 20 horas o más por semana, participar en una asignación de trabajo a cambio de beneficios o participar en una asignación de trabajo de 20 horas o más por semana.

Aunque usted no esté exento o no cumpla con la regla de trabajo para los ABAWD, es posible que reúna los requisitos otra vez cuando termine el período de 36 meses en \_\_\_\_\_. Usted puede volver a presentar una solicitud en esa fecha.

Si su grupo para fines de estampillas para comida tiene otros cambios recibirá otra notificación.

Si el no cumplir la regla de trabajo para los ABAWD también ocasiona una sanción en relación a las estampillas para comida, es posible que esa persona no pueda recibir estampillas para comida durante al menos 1, 3 ó 6 meses. Esa persona recibirá otra notificación en la cual se le indique durante cuánto tiempo se discontinuarán las estampillas para comida.

## COMENTARIOS

REGLAS: Las siguientes reglas son pertinentes. Las puede revisar en la oficina de bienestar público.

MPP ☐ 63-410 ☐ Otra \_\_\_\_\_



63-410 FOOD STAMP WORK REQUIREMENT FOR ABLE-BODIED  
ADULTS WITHOUT DEPENDENTS (ABAWD)

63-410

An individual not exempt under Section 63-410.3 shall be ineligible for food stamps if, during the 36-month period identified in Section 63-410.1, the individual received food stamps in California for three months or more without satisfying the participation requirements or exemption criteria of Section 63-410.2 or .3, respectively. The 36-month period referred to in this section does not include any period prior to November 22, 1996. Months in which food stamps are received for only part of the month shall be counted when determining whether the eligibility requirement contained in this section has been met.

.1 36-month Period Defined; Tracking ABAWD Compliance

- .11 The 36-month period identified in Section 63-410 begins November 22, 1996 for all food stamp recipients who are subject to the ABAWD work requirement on that date and such persons' compliance with this requirement shall begin on December 1, 1996. For all other food stamp applicants and recipients, the 36-month period begins on the first day of the the first full calendar month such persons become subject to the ABAWD work requirement.
- .12 The period identified in Section 63-410.11 is a fixed period which continues uninterrupted for 36 months regardless of the number of times an individual becomes exempt in accordance with Section 63-410.3 or leaves the Food Stamp Program and subsequently reapplies.
- .13 A county is not required to begin tracking an individual's food stamp eligibility based on compliance with, or exemption from, the ABAWD work requirement until the first month of the 36-month period identified in Section 63-410.11.
- .14 Each month the CWD is required to update the appropriate screen in the Medi-Cal Eligibility Data System (MEDS) to indicate an individual's work or exemption status. The update shall be done after the month's food stamp issuance and before the next month's food stamp issuance.

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Example - An individual applies for food stamps for the first time in March 1997 and is determined exempt from the ABAWD work requirement. The individual's exemption ends during December 1997 and he becomes subject to the ABAWD work requirement as of January 1, 1998. The county would track the individual's ABAWD compliance or exemption status for all months food stamps are received during the 36-month period which began January 1, 1998 and ends December 31, 2000.

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- .32 An individual who is:
  - .321 Under 18 or ~~over~~ 50 years of age or over;
  - .322 Pregnant; or
  - .323 ~~A parent or other household member responsible for~~ Any adult living in a household that contains a dependent child.
- .33 Persons living in any portion of the state which has received Federal approval to waive application of the ABAWD work requirement shall also be considered exempt from the requirements of Section 63-410.
- .34 Those months during which an individual is exempt for all or part of the month, in accordance with Section 63-410.3, shall not be considered in determining whether the participation requirement identified in Section 63-410 has been satisfied.
- .35 Persons who become exempt after having lost eligibility in accordance with Sections 63-410.4 or .522, are not subject to the ABAWD work requirement while exempt and may receive food stamps if otherwise eligible.
- .4 ~~Loss of Eligibility and Food Stamp Overissuance~~
  - .41 When the CWD determines that an individual has failed to meet the ABAWD work requirement for three months during the 36-month period identified in Section 63-410.1, the CWD shall issue a timely notice in the third month to discontinue the individual's food stamp benefits. In addition to the requirements specified in Section 63-504.21, the notice shall:
    - .411 Identify the reason the individual's food stamps are being discontinued;
    - .412 List those months for which the CWD has determined that the ABAWD work requirement was not satisfied;
    - .413 Provide that the individual may present evidence which demonstrates that the ABAWD work requirement was fulfilled for any of the months identified in Section 63-410.412; and
    - .414 Specify how the individual may regain eligibility in accordance with Section 63-410.5.
  - .42 If the individual submits evidence which demonstrates that the ABAWD work requirement was satisfied to permit continued eligibility, the notice identified in Section 63-410.41 shall be rescinded and any food stamps inappropriately denied shall be restored.

.43 The period of ineligibility shall begin with the first full month following expiration of the adverse notice period, unless a state hearing is requested. If a state hearing is requested, benefits shall continue in accordance with Section 63-804.6.

.431 Each individual has a right to a state hearing to appeal a termination or reduction of benefits due to a determination of nonexempt status, or a determination of failure to satisfy the ABAWD work requirement.

.44 Determinations of ineligibility shall be made when the CWD becomes aware that a nonexempt recipient has failed to meet the requirements of Section 63-410.

~~.45 Any months for which food stamps were received beyond the three-month limit identified in Sections 63-410 and/or 63-410.52 shall be considered an overissuance and requirements at Section 63-801.1 shall apply.~~

## .5 Regaining Eligibility

.51 An individual denied eligibility for failing to satisfy the ABAWD work requirement may regain eligibility if, during a 30-day period, the individual performs one of the following:

.511 Works for 80 or more hours;

.512 Participates in a workfare assignment; or

.513 Participates in an allowable work program as defined in Section 63-410.213 for at least 80 hours.

.52 When, during the 36-month period identified in Section 63-410, an individual subsequently stops performing the ABAWD work requirement after regaining eligibility in accordance with Section 63-410.5, that person shall remain eligible for a period of three consecutive months, beginning on the date the individual notifies the county that he/she is not satisfying the ABAWD work requirement.

.521 The three-month period of eligibility identified in Section 63-410.52 is available to an individual only once during a 36-month period. Upon completion of this three-month period, an individual is ineligible for food stamps for the remainder of the 36-month period, unless he/she becomes exempt or satisfies the ABAWD work requirement for each month food stamps are requested.